REMARKS

In the Office Action mailed from the United States Patent and Trademark Office August 8, 2007, claim 1 was rejected under 35 U.S.C. 112, second paragraph and claims 1-11 were rejected under U.S.C. 103(a) as being unpatentable over Virine et al. Accordingly, Applicant submits the following:

CLAIM REJECTIONS UNDER 35 U.S.C. 112, Second Paragraph

Applicant has deleted the limitation "system administration team" from the claims to improve the clarity of the claims. Applicant requests that the Section 112, Second Paragraph rejections be withdrawn at this time.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-11 were rejected under 35 U.S.C. § 103(a) over Virine in view of Official Notice. Applicant respectfully submits Virine in view of Official Notice does not teach every aspect of the claimed invention M.P.E.P. §2142. Accordingly, Applicant respectfully traverses this rejection.

Independent claim 1 recites an enterprise media distribution system comprising: a chain network system having at least one chain server servicing the business chain, said chain server in communication with each client player device in operation in the business chain by way of a network configuration facilitating the exchange of information between the client player devices and the chain server. Each of independent claims 5 and 6 contains similar limitations, and such limitations are supported by the disclosure as originally filed.

Virine fails to disclose a system comprising a plurality of business chains each comprising a plurality of facilities at respective business locations. Virine teaches a simple structure comprising a central server, a club server and a series of monitors in a retail environment. Virine does not disclose the more complex structure, which is recited in the claims of the present invention, of the central server system being connected to a chain network system which acts as a relay to a plurality of facilities at respective business locations, each of which maintains an independent server and a plurality of player devices for desiminating the communication of an audio visual message.

In the pending office action, column 4, line 7- column 5, line 31, has been cited as reading on the idea of a chain network system having at least one chain server servicing the business chain, said chain server in communication with each client player device in operation in the business chain by way of a network configuration facilitating the exchange of information between the client player devices and the chain server, and on the concept of a central server. This is evidence that Virine simple system fails to read on the more complex and layered system presently claimed. Instead of teaching a system that includes a plurality of business chains, client player devices, a chain network system in communication with each client player device, a central server system and a customizable in store broadcast as claimed in the present invention, Virine teaches a local network preferably located at an establishment, (column 4, lines 6-8), a local server connected to a remote central server via a communications network (column 5, lines 14-15), wherein the local server is preferably connected to one or more monitors and possibly to personal units (column 4, lines 26-34). The express use of the word "plurality" in combination with the "s" on "chains" makes "chains" plural; disclosure of a single gym does not read on a plurality of business chains. Rather, Virine discloses a simple structure that comprises a central server that routes data to the local server that networks the data to a handful of users at a gym or club. Virine does not disclose a central server that provides media to a chain manager, which then modifies the data and supplies unique feeds to a variety of stores within the chain each of which possess a local network. Accordingly, Virine discloses a basic network system for providing media to a specific location and then disbursing that media to recipients within the location, but fails to disclose the intermediate step of utilizing a chain network server.

For at least this reason, Applicant respectfully submits that the prior art does not explicitly or impliedly teach every aspect of the invention as claimed in the independent base claims. In addition, the dependent claims place further limitations on otherwise allowable subject matter. Accordingly, Applicant respectfully submits that the cited art does not teach every aspect of the claims as provided herein and therefore does not render the claims obvious as provided herein.

Additionally, each independent claim recites limitations for a system comprising in-store media broadcasts customizable by a business operator or advertiser. Virine fails to teach this aspect of the claimed invention.

Generally, Virine fails to teach "a business operator or advertiser [who] controls the customization of informational content." Rather, Virine teaches a system wherein a user or an algorithm provides information to one of more users (col. 1, lines 25-26). This information may include "training videos, digital music, advertisements… cable TV" and "a user" may typically be a "user of exercise equipment." Virine is directed at a method for automatically generating (claim 1) information to provided to a user using computer code/algorithms (claim 15) and input provided by a user (list of cited portions below), and thus Virine does not allow a business operator (an operator in a gym or bar) or advertisers to customize the information provided to a user (a person using exercise equipment).

Specifically, the portions of Virine cited by the Examiner do not teach "a business operator of advertiser customizes informational content." These portions include col. 1 lines 33-37, col. 2 lines 26-61, col. 4 lines 42-55, col. 6 lines 1-19, col. 7 lines 11-35, and Figures 1 and 4 and teach "generating content for delivery to a user based in part on the demographic profile of the user" (col. 2, lines 50-51), touch screens that "allow the user to communicate with the personal unit" (col. 4, lines 43-44), allowing a user to fast forward, rewind and stop channel (media) content (col. 6, lines 7-9), and allowing a user to "select specific programs from a list of available programs" (col. 7, lines 13-15).

First, "generating content for delivery to a user based on the demographic profile of a user" (col. 2, lines 50-51) as understood based on the remainder of Virine is a method step accomplished by a computer algorithm (claim 1). A computer algorithm is not equivalent to a business operator or advertiser; therefore, Virine col. 2, lines 50-51 does not teach every feature of claims 5 and 6.

Second, allowing the user to "communicate with the personal unit," fast forward, rewind, and stop channel content, and "select specific programs for a list" does not teach "a business operator or advertiser customizes said informational content." Therefore, Virine does not disclose all of the features of claims 5 and 6.

For at least this reason, Applicant respectfully submits that the prior art does not explicitly or impliedly teach every aspect of the invention as claimed in the independent base claims. In addition, the dependent claims place further limitations on otherwise allowable subject matter. Accordingly, Applicant respectfully submits that the cited art does not teach every aspect

of the claims as provided herein and therefore does not render the claims obvious as provided herein.

<div align="center">CONCLUSION</div>

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

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Respectfully submitted,

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